

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 13-cr-30091-MJR-7
)	
)	
ORLANDO WARD,)	
)	
Defendant.)	

COURT SENTENCING MEMORANDUM

REAGAN, District Judge:

I. Introduction

With the ruling in *United States v. Booker* by the Supreme Court,¹ district courts have the discretion to deviate away from the Sentencing Guidelines² set forth under 28 U.S.C. § 994.³ Judges are still required to abide by the requirements of 18 U.S.C. § 3553(a)(1)-(2), which state:

- (a) Factors to be considered in imposing a sentence.--**The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider--
- (1)** the nature and circumstances of the offense and the history and characteristics of the defendant;
 - (2)** the need for the sentence imposed--

¹ 543 U.S. 220, 259-60 (2005)

² U.S. SENTENCING GUIDELINES MANUAL (2012).

³ Unless specified, all references to federal law or regulation refer to the 2012 edition.

- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
- (B) to afford adequate deterrence to criminal conduct;
- (C) to protect the public from further crimes of the defendant; and
- (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

District judges must treat the sentencing guidelines as “the initial starting point and the initial benchmark.”⁴ Once properly calculated, the court must then decide whether to impose a sentence within or outside the range, based upon the factors set forth in 18 U.S.C. § 3553(a).⁵ Outside the guidelines sentences are reasonable where they conform to the principles of 18 U.S.C. § 3553(a).⁶ Where the district court deviates from the sentencing guidelines, it is required to state its specific reasons.⁷ Specifically, where a district judge wishes to deviate upward from the sentencing guides, he or she must support the sentence with “compelling justifications.”⁸

When considering the sentence to impose, one of the factors that the district court must consider is deterrence, which comes in two forms. Specific deterrence, or the deterrence required to discourage further crimes by a given defendant, is mandated by the need “to protect the public from further crimes of the defendant.”⁹ General deterrence is aimed at deterring others from committing crimes and to “promote

⁴ Gall v. United States, 552 U.S. 38, 51 (2007).

⁵ United States v. Hill, 645 F.3d 900, 905 (7th Cir. 2011) (citing United States v. Nelson, 491 F.3d 344, 347 (7th Cir. 2007)).

⁶ United States v. Simmons, 485 F.3d 951, 953 (7th Cir. 2007).

⁷ 18 U.S.C. § 3553(c)(2).

⁸ United States v. Gooden, 564 F.3d 887, 891-92 (7th Cir. 2009) (quoting United States v. Gordon, 513 F.3d 659, 666 (7th Cir. 2008)).

⁹ 18 U.S.C. § 3553(a)(2)(C).

respect for the law”¹⁰ The court “shall consider . . . the need for the sentence imposed . . . to afford adequate deterrence to criminal conduct.”¹¹ With the obligation of providing adequate deterrence in mind, as well as this Court’s obligations to all the factors set for in 18 U.S.C. § 3553(a), the undersigned enters this sentencing memorandum regarding the city of East St. Louis, its history of crime and corruption, and the relationship to current criminal activity.

Orlando Ward has pled guilty to one count of conspiracy to distribute and possess with intent to distribute cocaine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846. As with the sentencing memorandum the Court filed in a dog fighting conspiracy case (*United States v. Courtland*, 642 F.3d 545 (7th Cir. 2011)), this memorandum is authored consistent with 18 U.S.C. § 3553 and the Court’s obligation to impose a sentence no greater than necessary to meet the four purposes of sentencing as directed in the statute. To be clear, the Court does not place at the feet of Mr. Ward the woes of the Metro-East area described in this filing, but crimes such as his contribute to the atmosphere of violence, government corruption, and mistrust of public institutions endemic to the community.

II. A History of East St. Louis

This sentencing memo is primarily aimed at addressing the current violence and corruption that is present in East St. Louis. In order to understand the situation as it exists today, it is necessary to examine the origins and history of East St. Louis, its

¹⁰ 18 U.S.C. § 3553(a)(2)(A).

¹¹ 18 U.S.C. § 3553(a)(2)(B).

transition to an industrial suburb of St. Louis, and where possible, the underlying causes of the current patterns of criminality within the community.

a. Early Years of East St. Louis

The land that is much of present-day East St. Louis was officially chartered by the Illinois State Assembly in 1859 as “Illinoistown,” providing the town with its first government.¹² Less than a year later, a second smaller town of “East St. Louis” was platted, located somewhat to the east of then Illinoistown.¹³ In 1861, a new charter for Illinoistown allowed for its incorporation within the smaller East St. Louis, effectively combining the two towns, if approved by the voters.¹⁴ The vote was hotly contested but ultimately did pass under somewhat dubious circumstances, where “railroad workers were paid \$5.00 to vote for the new name.”¹⁵ In a speech on July 4, 1876 celebrating the United States’ centennial, John Bowman, the first elected mayor of the newly formed East St. Louis was quoted as saying:

Illinois City was the name most popular among the better class of citizens and it was thought this name would carry beyond all question...but those advocating the name "East St. Louis", seeing that by a fair election their chance was hopeless, resorted to a trick. The old O. & M. Railroad was doing some grading out near the bluffs and had in their employ about eighty men. These men were here today and gone tomorrow, and cared

¹² *Early History of East St. Louis and Cahokia*, RIVERWEB, <http://www.riverweb.uiuc.edu/NINETEENTH/Archives/fwp/EarlyHistory.html> (last visited Mar 2, 2013). Illinoistown was platted before Illinois even became a state, but that it was not incorporated until the late 1850’s. See ANDREW J. THEISING, *EAST ST. LOUIS: MADE IN THE USA: THE RISE AND FALL OF AN INDUSTRIAL RIVER TOWN* 67-68 (2003).

¹³ *Early History of East St. Louis and Cahokia*, *supra* note 12. Varying documents show the town’s name as Illinoistown, Illinois Town, and Illinois City.

¹⁴ *Id.*

¹⁵ *Id.*

nothing about the name of the town, but with the loose election laws at that time, they would be allowed to vote. A few men from the "East St. Louis" party got on an engine and went out to where the train was loading and with a little money and plenty of whiskey and got a pledge from every man and put a ticket in his hand to vote for "East St. Louis". The election had gone on smoothly, and there being only about 200 votes, nearly three fourths of these having been cast for the name "Illinois City." But to the surprise of everybody, when the gravel train came in, about eighty men unloaded and cast their votes for the name "East St. Louis," thus carrying the election by a few votes...¹⁶

John Bowman served several terms as mayor of East St. Louis, while continuing to work in several other jobs—roles which today would have presented him with a conflict of interest.¹⁷ Mayor Bowman's conflicts were largely ignored, and he managed to combine his dual roles of a public and private citizen to his advantage.¹⁸ Mayor Bowman served as mayor of East St. Louis on four separate occasions. His final term came in 1877, where as a then private citizen, he orchestrated a special election (without the approval of the current administration) leading to recognition of two separate governments, including two separate and well-armed police forces.¹⁹ This volatile situation resulted in at least two firefights between the armed groups, the partial

¹⁶ *Id.* Interestingly, some commentators believe that John Bowman not only did not resist the change, but likely helped orchestrate the incorporation of several different towns into what became East St. Louis, at least in part for his own political and financial advantage. See THEISING, *supra* note 12 at 69.

¹⁷ *Id.*

¹⁸ In addition to his role as mayor, John Bowman owned the title company for East St. Louis, published the *East St. Louis Gazette*, was a board member of the East St. Louis Street Railway Company, acted as corporate counsel for numerous companies which contracted with the city, in addition to being a private practice attorney. THEISING, *supra* note 12, at 72. Many have speculated that these interconnected roles allowed him to amass a great deal of wealth during his life. *Id.*

¹⁹ *Id.* at 73.

burning of a rail line, several riots, and the placing of a homemade bomb in a train locomotive.²⁰

The Illinois Supreme Court ultimately ruled that John Bowman's election had been improper and ordered that his administration be dissolved.²¹ In the days leading up to the Supreme Court's announcement, and in likely recognition of what their decision would be, John Bowman issued thousands of dollars of East. St. Louis "scrip." These documents entitled the bearer to simply take cash from the East. St. Louis treasury (in some cases multiple times for the same document).²² While the Illinois Supreme Court ruling should have provided a legal end to the battle for control of the city, John Bowman remained in some measure of power until early 1879. Bowman's scope of influence only ended with the issuing of several more rulings from the Illinois high court.²³ He continued to influence East St. Louis politics from behind the scenes until he was killed in 1885, murdered by an unknown assailant in the city.²⁴ Despite a large reward for information related to his death, the murderer was never caught, due

²⁰ *Id.* at 75-76.

²¹ *Stephens v. People*, 89 Ill. 337 (1878).

²² *See THEISING, supra* note 12, at 75-82. The bearer of a piece of scrip would take it to City Hall and exchange it for cash from the city treasury. In situations where it is politically beneficial to do so, the city official would pay the bearer of the scrip its cash value and then return the scrip to the bearer, allowing the scrip to be returned for cash multiple times.

²³ *See, e.g. Hinze v. People*, 92 Ill. 406 (1879); *Winstanley v. People*, 92 Ill. 402 (1879)

²⁴ *A Cowardly Assassin*, ST. LOUIS GLOBE-DEMOCRAT, Nov. 21, 1885, at 3.

at least in part to the large number of individuals who may have had motive to kill the former mayor.²⁵

b. The Early to Mid-Twentieth Century

East St. Louis successfully transitioned from a “river town” to an industrial center and prospered for many years. Factories began operating in East St. Louis—glassworks, iron foundries, steel mills, paint factories, grain and lumber mills, among many others; dozens of different industries began to flourish in and around the city.²⁶ Operating in East St. Louis had a number of distinct advantages over nearby St. Louis. For example, nuisance laws in St. Louis that were passed in the early 20th century allowed inspectors to levy taxes and fines against offending businesses.²⁷ Serious or on-going offenses could prompt an inspector to restrict or close any businesses which were viewed as nuisances to the city or its residents.²⁸ In an effort to maintain high profits, many industries decided to move across the river and outside of St. Louis’ restrictive

²⁵ *The Murdered Ex-Mayor: Investigating the Assassination of John B. Bowman*, N.Y. TIMES, Nov. 21, 1885, available at <http://query.nytimes.com/mem/archive-free/pdf?res=F70A11FF395B10738DDDAB0A94D9415B8584F0D3%27>. Less than a year later, Mayor Maurice Joyce was nearly killed when a city marshal shot at the mayor, missing him and killing the man standing next to him. See *Illinois – The Railroad Strike in East St. Louis – Attempt of a Deputy Marshal to Kill Mayor Joyce During the Affair of April 9th*, FRANK LESLIE’S ILLUSTRATED NEWSPAPER, Apr. 24, 1886, at 1 (the illustration covered the entire front page). See also THEISING, *supra* note 12, at 162.

²⁶ See THEISING, *supra* note 12, at 95.

²⁷ HUGH K. WAGNER, CHARTER OF THE CITY OF ST. LOUIS, MISSOURI, WITH THE SCHEME OF SEPARATION BETWEEN COUNT OF ST. LOUIS AND CITY OF ST. LOUIS AND PROVISIONS OF THE CONSTITUTION OF MISSOURI ESPECIALLY APPLICABLE TO THE CITY OF ST. LOUIS 62-63 (1915).

²⁸ *Id.*

business laws, to the more industry-friendly confines of East St. Louis.²⁹ Additionally, as many of these companies had customers in the eastern half of the United States, it meant that they could operate without having to pay expensive bridge or ferry fees to cross the Mississippi River—an added convenience and cost savings for many of these industries.³⁰

By the early 1900's, East St. Louis became known as an industrial hub, offering a business friendly environment and numerous jobs.³¹ The town, with steady access to mines in southern Illinois and the second largest railroad center in the nation provided the cheapest coal in the world, enormous stockyards and a thriving packing house trade, along with some of the nation's leading industrial complexes.³² Companies like Monsanto, Alcoa, Standard Oil, and the Shell Oil Company created large operations in the area, with the Alcoa complex becoming the largest employer in East St. Louis.³³ In an effort to further maximize profits, many companies acquired land just outside the city limits in order to avoid additional taxes while exploiting the local labor market.³⁴

²⁹ See THEISING, *supra* note 12, at 10.

³⁰ *Id.* at 95.

³¹ *Industrial East St. Louis: East St. Louis is Rapidly Forging Ahead in All Lines*, THE ST. LOUIS REPUBLIC, May 26, 1907, at 1. The article discusses the East St. Louis' "phenomenal growth," describing the town as being the "second city of Illinois" and a "manufacturing center." *Id.* The drawings and photographs which accompany the article show numerous tall buildings, partially hidden by the smoke-filled skyline.

³² JENNIFER HAMMER, *ABANDONED IN THE HEARTLAND: WORK, FAMILY, AND LIVING IN EAST ST. LOUIS*, 43-44 (2011).

³³ HARPER BARNES, *NEVER BEEN A TIME: THE 1917 RACE RIOT THAT SPARKED THE CIVIL RIGHTS MOVEMENT* (2008); THEISING, *supra* note 12, at 108-110;

³⁴ HAMMER, *supra* note 32, at 44.

Prosperity for the industries that operated within East St. Louis did not result in prosperity for the city, or for the workers and residents. Companies seeking to create significant profits with narrow profit margins³⁵ sought every competitive advantage they could find, which often resulted in industries seeking illegal legislative benefits from public officials.³⁶ Corruption within City Hall became the norm, in the form of bribes or kickbacks, or simply public officials embezzling from city resources.³⁷ Rarely were charges filed against city officials and convictions were rarer still.³⁸ As stated in an

³⁵ For an example of the narrow margins often seen in the East St. Louis industries, see *Investigation of Transportation and Sale of Meat Products Before the S. Select Comm. on Transp. and Sale of Meat Prods.*, 51st Cong. (1889) (testimony of Philip D. Armour, Nov. 30, 1889). Mr. Armour provided an accounting of cattle sales, showing that each head of cattle yielded only \$0.59 in profit. WILLIAM CRONON, *NATURE'S METROPOLIS: CHICAGO AND THE GREAT WEST* 246-261 (1992).

³⁶ THEISING, *supra* note 12, at 133-37. According to later indictments, elected officials would routinely negotiate with companies, granting them preferential treatment in exchange for bribes and kickbacks. For example, Alcoa paid each city council member \$3,000 in exchange for a railroad franchise, which was personally negotiated by Mayor Lambert, who ran East St. Louis from 1911-13. *Id.* at 137.

³⁷ *Id.* at 133-37. The behaviors that began with John Bowman often continued with later administrations. See *supra* note 22 and accompanying text. Investigations found that city officials would simply take money directly from tax collections. THEISING, *supra* note 12, at 133-37.

³⁸ Charges were filed after Mayor Lambert left office, and a preliminary investigation was held. ELLIOT RUDWICK, *RACE RIOT AT EAST ST. LOUIS: JULY 2, 1917* at 178 (1982). See also *Former Officials of East St. Louis Indicted for Graft*, THE LEWISTON DAILY SUN, Oct. 22, 1913 at 1. In the end, none of the members of the Lambert administration were convicted. THEISING, *supra* note 12, at 137. Similarly, despite ample evidence of corruption under Mayor Bowman, no members of his administration were charged with embezzlement, malfeasance, or other crimes. See *supra* notes 36-37 and accompanying text.

investigation by the United States House of Representatives, “looting the city and country treasury [had] grown into a habit in East St. Louis.”³⁹

Narrow profit margins also resulted in low wages and no benefits to workers. By the 1920s, arguably the height of industrial success for the area, wages for residents of East St. Louis were a quarter what they were elsewhere in Illinois.⁴⁰ Nor did industrial success mean prosperity for the town as a whole. East St. Louis was the second poorest town in the nation, often supported in large part by “saloon licensing fees.”⁴¹ The city was routinely unable to pay its bills, opting to finance city improvements through bonds, but then choosing to only pay interest on the bonds, leaving the town constantly teetering on bankruptcy.⁴² East St. Louis’ financial difficulties could have been partially or entirely cured by enforcement of taxes on the industries which existed in and around East St. Louis. Instead, corporations negotiated their property tax rates directly with

³⁹ H.R. Doc. No. 65-1231, at 19 (1918) (*Report of the Special Committee Authorized by Congress to Investigate the East St. Louis Riots*).

⁴⁰ HAMMER, *supra* note 32, at 44.

⁴¹ RUDWICK, *supra* note 36, at 176-80 (1982). *Id.* In some years, these revenues provided upwards of 50% of the city budget. *Id.* at 191-92; BARNES, *supra* note 33, at 227 (in 1916 alone, these fees represented \$175,000 of the city’s \$400,000 income).

⁴² THEISING, *supra* note 12, at 137 (citing Carl R. Baldwin, *East St. Louis*, 3 J. ST. CLAIR COUNTY HIST. SOC. 14-15 (1983)). As an example, payments for raising streets in East St. Louis, which was paid for through bonds passed in 1887 were still unpaid as of 1927, and only through local publicity of the issue did the city begin payment in 1928. *Id.*; THEISING, *supra* note 12, at 187. *See also East St. Louis Must Pay: A City that is Hopelessly Bankrupt Mulcted on its Bonds*, N.Y.TIMES (May 11, 1888), available at <http://query.nytimes.com/mem/archive-free/pdf?res=F60C1FF73A5C10738DDDA80994DD405B8884F0D3>.

City Hall, which resulted in a far lower assessed value for the town, and lower revenue for the city.⁴³

In an effort to maintain profits at the highest possible levels, companies working in the area began advertising for cheaper labor, posting advertisements in southern newspapers to encourage African-Americans to move to East St. Louis.⁴⁴ The influx of African-American workers served two purposes: companies could pay lower prevailing wages to these workers while simultaneously decreasing the influence of predominantly white unions.⁴⁵ Companies began to threaten white workers that they would be replaced if they joined or remained in unions; union membership dropped 98% between 1916 and 1917.⁴⁶

The two dominant influences in East St. Louis—industry and government corruption-- led to unimaginable violence in 1917. What began merely as a protest by the remaining union members in May of that year ultimately resulted in the most deadly race riot in the history of the United States.⁴⁷ Due to the lack of leadership at City Hall and the ineffectiveness and unwillingness to interfere by the police, at least 47

⁴³ RUDWICK, *supra* note 41 at 193-94.

⁴⁴ THEISING, *supra* note 12, at 144. Many came to the Midwest to escape oppression in the south. Between 5,000-15,000 African Americans moved to the area between 1910 and 1917. See TERRY ANN KNOFF, RUMORS, RACE & RIOTS 23 (2006).

⁴⁵ *Id.* Not surprisingly, workers were often offered one wage to convince them to move to East St. Louis, and then received a far different wage once they had arrived. H.R. Doc. No. 65-1231 at 19 (1918) (*Report of the Special Committee Authorized by Congress to Investigate the East St. Louis Riots*).

⁴⁶ THEISING, *supra* note 12, at 147.

⁴⁷ For a very comprehensive overview of the race riots that occurred in East St. Louis in 1917, see RUDWICK, *supra* note 41; BARNES, *supra* note 33; H.R. Doc. No. 65-1231 at 19 (1918) (*Report of the Special Committee Authorized by Congress to Investigate the East St. Louis Riots*).

and as many 400 died during the race riots of July 2, 1917.⁴⁸ Rioters caused over \$3,000,000 in property damage across the city.⁴⁹ Over 6,000 residents were estimated to have fled East St. Louis in the immediate aftermath of the riots.⁵⁰ Several rioters were ultimately charged, convicted and imprisoned, though charges against the Mayor Fred Mollman and many police officers were ultimately dropped; others received minor sentences or paid fines even after pleading guilty to murder.⁵¹

⁴⁸ The actual number of dead was incalculable, due to the number of bodies which were burned or thrown into the Mississippi river. RUDWICK, *supra* note 41, at 40-52. See also THEISING, *supra* note 12, at 147-51; HAMMER, *supra* note 32, at 42-43; HENRY LOUIS GATES, JR., LIFE UPON THESE SHORES: LOOKING AT AFRICAN AMERICAN HISTORY 1513-2008, at 259-60 (2011); Richard H. Chused, *Symposium on Seventy-Fifth Anniversary of Village of Euclid v. Ambler Realty Co.: Euclid's Historical Imagery*, 51 CASE W. RES. L. REV. 597, 608 n.52 (2001) ("The most chilling was his description of a mob of angry white dragging a black barber out of his shop . . . tying him up to the back of a truck, dragging him to the Eads Bridge, and throwing him in the Mississippi River."); BARNES, *supra* note 33, at 2.

⁴⁹ *Race Rioters Fire East St. Louis and Shoot or Hang Many Negroes; Dead Estimated at from 20 to 75*, N.Y. TIMES, July 3, 1917, at 1, available at <http://query.nytimes.com/mem/archive-free/pdf?res=FB061FFF385F157A93C1A9178CD85F438185F9>.

⁵⁰ GATES, *supra* note 48, at 259.

⁵¹ Mayor Mollman was charged with malfeasance. BARNES, *supra* note 33, at 192. These charges, along with charges against police officers in the city were dropped. *Id.* at 205. Others who had been charged with murder or other significant felonies had charges reduced to misdemeanors or paid small fines. In at least one case, men who had pleaded guilty to murder were fined \$50 each. *Id.* at 206. See also RUDWICK, *supra* note 36, at 95-106.

c. The Decline of East St. Louis

During the late 19th and early 20th centuries, East St. Louis grew, both in size and population, despite a series of tornadoes on May 27, 1896 which caused over \$10,000,000 in damage⁵² (including more than \$2,000,000 in damage to East St. Louis alone),⁵³ and floods which regularly caused damage to a town which made few efforts to protect itself.⁵⁴ By 1900, the population of the town had nearly doubled from ten years prior, and would double again by 1910, growing steadily for years to come.⁵⁵

⁵² See generally THE GREAT CYCLONE AT ST. LOUIS AND EAST ST. LOUIS, MAY 27, 1896: BEING A FULL HISTORY OF THE MOST TERRIFYING AND DESTRUCTIVE TORNADO IN THE HISTORY OF THE WORLD (Julian Curzon, ed. 1997). The damage of the tornadoes during the May 27th storms across the Midwest exceeded \$3.8 billion in today's dollars – 20% of that in East St. Louis.

⁵³ See THEISING, *supra* note 12, at 126. Several newspaper reports stated that the devastation was so widespread in East St. Louis that the town was destroyed. See *Storm Kills Five Hundred*, NEW YORK TRIBUNE, May 29, 1896 at 1. Further down in the article is the separate headline *East St. Louis in Terror*, detailing looting that occurred in the city and the Governor sending troops to guard the city. *Id.*

⁵⁴ See, e.g., Tim O'Neill, *East St. Louis Flood: 1903*, STLtoday.COM, (July 26, 2012, 9:30 AM), http://www.stltoday.com/gallery/news/multimedia/pictures/east-st-louis-flood/collection_3148f50e-d67d-11e1-ad87-0019bb30f31a.html#0.

⁵⁵ *Early History of East St. Louis and Cahokia*, *supra* note 12. It should be noted that according to some sources, nearly all of the population expansion during the early 1900s was not due to the industrial growth within East St. Louis. Instead, East St. Louis annexed Centreville, IL to the west – the only direction the town could expand, which greatly increased the population. See THEISING, *supra* note 12, at 156.

Table 1a: East St. Louis 1890-1930

East St. Louis ⁵⁶		
Year	Population	Ten-Year Change
1890	15,169	
1900	29,655	95.50%
1910	58,547	97.43%
1920	66,767	14.04%
1930	74,347	11.35%

The predominance of industry in East St. Louis ultimately led to the area's downfall. With the river on one side and industries surrounding the city in nearly every other direction, East St. Louis was strangled by the very prosperity of the businesses which had ultimately caused it to grow.⁵⁷ The combination of City Hall's business-first philosophy and the industrial complex's profit-first mentality meant that little emphasis was placed on residential development (though few if any workers could afford something better than what existed).⁵⁸ The city was poorly zoned, with railroads crisscrossing the city.⁵⁹ Few city services existed, as these services cost the city money that it did not have.⁶⁰

⁵⁶ U.S. CENSUS BUREAU, U.S. DEPT. OF COMM., STATE AND COUNTY QUICK FACTS: EAST ST. LOUIS (2013), available at <http://quickfacts.census.gov/qfd/states/17/1722255.html> [hereinafter "EAST. ST. LOUIS QUICK FACTS"]. See also SALLY S. FERGUSON, EAST ST. LOUIS AREA: A CHANGING POPULATION 5 (1981) (data for East St. Louis and nearby communities 1900-1980).

⁵⁷ THEISING, *supra* note 12, at 152.

⁵⁸ *Id.*

⁵⁹ *Id.* at 97. According to local folklore, there was never a bank robbery in East St. Louis, as any getaway would be blocked by a train.

⁶⁰ *Id.* at 199.

East St. Louis' crippling debt, limited revenues, and near constant corruption continued to put the city on the brink of fiscal default.⁶¹ Prohibition⁶² made it worse, creating an additional problem for a city heavily funded by saloon fees.⁶³ Ironically, the Great Depression helped stave off the decline of East St. Louis for decades, as federal money under the Roosevelt administration provided jobs and revenue to a city which might otherwise have shut down.⁶⁴ World War II, following immediately on the heels of the Depression, created a job boom and pushed growth of the city to nearly 9% during the 1940's, along with very low unemployment during the war years.⁶⁵

Table 1b: East St. Louis 1930-1950

East St. Louis ⁶⁶		
Year	Population	Ten-Year Change
1930	74,347	11.35%
1940	75,609	1.70%
1950	82,295	8.84%

During this same time period, East St. Louis became a haven for prostitution, bootlegging, and gambling—which was far more tolerated in East St. Louis than in St. Louis.⁶⁷ In many cases, these crimes were either ignored entirely by city officials or, in

⁶¹ See *supra* notes 39, 41-43 and accompanying text.

⁶² U.S. CONST. amend. XIX (1919). Prohibition was not repealed until 1932. U.S. CONST. amend XXI.

⁶³ See *supra* note 41 and accompanying text.

⁶⁴ See THEISING, *supra* note 12, at 187-88.

⁶⁵ *Id.*

⁶⁶ See EAST. ST. LOUIS QUICK FACTS, *supra* note 56; FERGUSON, *supra* note 56, at 5.

⁶⁷ THEISING, *supra* note 12, at 141-43. "East St. Louis was a repository for things polite St. Louis society did not want around it." Eric Harrison, *Illinois Bails Out Troubled City Close to Bankruptcy*, LOS ANGELES TIMES, Aug. 9, 1990,

some cases, protected by them.⁶⁸ With these activities came violence, as various gangs attempted to vie for control of organized crime in southern Illinois.⁶⁹ This had the perverse effect of decreasing other crime in East St. Louis, as petty criminals and gangs which interfered with patrons of East St. Louis taverns, brothels, or gambling halls were often encouraged to leave town or were killed.⁷⁰ The activities of East St. Louis again attracted the attention of Congress, which began serious investigations into organized crime during the 1950's.⁷¹ Congressional attention led in part to a city-wide cleanup, which in turn led to East St. Louis being named by *Look Magazine* and the National Municipal League as an All-American City in 1959.⁷² But by this point, East St. Louis was already starting a downward spiral from which it could not recover.

http://articles.latimes.com/1990-08-09/news/mn-375_1_east-st-louis (quoting James Nowlan, professor of public policy at Knox College). Professor Nowlan's research was a part of the Fiscally Distressed City Law, passed by Illinois in 1990 to assist East St. Louis. See *infra* note 106 and accompanying text.

⁶⁸ *Id.* at 141. See DENNIS R. JUDD & ROBERT E. MENDELSON, *THE POLITICS OF URBAN PLANNING: THE EAST ST. LOUIS EXPERIENCE* 9 (1973).

⁶⁹ THEISING, *supra* note 12, at 143-44.

⁷⁰ *Id.* at 191.

⁷¹ *Investigation of Organized Crime in Interstate Commerce: Hearing Pursuant to S. Res. 202 Before the S. Special Comm. to Investigate Organized Crime in Interstate Commerce*, 82nd Cong. (1950-51). Southern Illinois, including East St. Louis, was purported to have generated nearly \$5 million in revenue during 1930 alone. *Id.* at 812; THEISING, *supra* note 12, at 193.

⁷² *All-America Cities: The National Municipal League and Look Magazine Salute this Years' Winners*, LOOK MAGAZINE, Mar. 1, 1960 at 82. East St. Louis was one of 11 cities so honored that year. See *Winners 1949-2012*, NATIONAL CIVIC LEAGUE, <http://www.allamericacityaward.com/wp-content/uploads/2012/08/1Winners-1949-2012.pdf> (last visited Apr. 26, 2013). East St. Louis was not the only All-American City to suffer such a downturn. See also Joel Stashenko, 'All-American City' Slid Into Drugs and Crime, LOS ANGELES TIMES (Mar. 11, 1990), available at http://articles.latimes.com/1990-03-11/news/mn-229_1_all-american-city (discussing the problems of Newburgh, NY, All-American City from 1952).

The city's decline, beginning in the 1950's, was spurred by the same force which caused its growth—industry. Plants which had prospered for decades began to decrease their labor force or close entirely. The competitive advantages that East St. Louis had offered at the turn of the 20th century were no longer as important. With union membership at its highest point in the 1950's,⁷³ interstate roadways improving transportation options,⁷⁴ and a general move to decentralization of industrial operations, industries began seeing their narrow margins decrease to the point of unprofitability.⁷⁵ Nearly every large industry which dominated the area began cutting production. By the mid 1960's, over 13,000 jobs were shed by businesses,⁷⁶ and unemployment exceeded 20% in the area.⁷⁷ For African Americans, the rate was over

⁷³ Steven Greenhouse, *Union Membership in U.S. Fell to a 70-Year Low Last Year*, N.Y. TIMES.COM (Jan 21, 2011),

http://www.nytimes.com/2011/01/22/business/22union.html?_r=0.

⁷⁴ Federal Aid Highway Act of 1956, Pub. L. No. 84-627, 70 Stat. 374 (1956). The building of the interstate highway system may have been heavily responsible for the downfall of East St. Louis, as it simultaneously allowed access to growing suburban areas, provided home owners in areas affected by the highways both remuneration and the means to leave the city, and depressed property values for other home owners. The city also would lose \$1.5 million a year in tolls from the Veteran's Memorial (now Martin Luther King) Bridge, once the Poplar Street Bridge was completed. Michael Brickey, *The Interstate's Impact on East St. Louis*, NEXTSTL.COM (Apr. 27, 2012, 11:43 AM), <http://nextstl.com/greater-stl-illinois/the-interstates-impact-on-east-st-louis>. Many buildings in East St. Louis were demolished to make way for the new highways. THESING, *supra* note 12, at 197.

⁷⁵ *Id.* at 193.

⁷⁶ OFFICE OF CMTY. PLANNING & DEV., U.S. DEP'T OF HOUS. & URBAN DEV., EAST ST. LOUIS, IL: CONSOLIDATED PLAN FOR 1995: EXECUTIVE SUMMARY (1995), *available at* <http://archives.hud.gov/reports/plan/il/eaststil.html> (last visited Apr. 28, 2013).

⁷⁷ *Id.*

30%, leading to several protests around the city during the 1960's.⁷⁸ By the 1980s, there were less than 500 manufacturing jobs in the area.⁷⁹

People began leaving the city and the demographics of East St. Louis began to shift; the city became increasingly African American, as the city began to experience "white flight."⁸⁰

Table 1c: East St. Louis 1950-1980

East St. Louis ⁸¹		
Year	Population	Ten-Year Change
1950	82,295	8.84%
1960	81,712	-0.71%
1970	70,169	-14.13%
1980	55,200	-21.33%

Property tax revenues declined, prompting the city to increase property tax rates⁸² in order to service debt.⁸³ In 1981, it was reported that East St. Louis went fifty

⁷⁸ Tim O'Neil, *A Look Back: East St. Louis Blacks Protested over Lack of Jobs*, STLtoday.com (Aug. 15, 2010), http://www.stltoday.com/news/local/illinois/a-look-back-east-st-louis-blacks-protested-over-lack/article_fd967610-40c5-56e9-8bfb-14a56e69d652.html. According to the article, the rate of unemployment for African Americans was three times higher than for white residents.

⁷⁹ KEVIN HERRIGAN, *THE RIGHT KIND OF HEROES* 28 (1992).

⁸⁰ *Id.* According to Mr. O'Neill, during the 1950's, nearly 12,000 white residents left the city, with an influx of nearly the same number of African Americans. *Id.* See also FERGUSON, *supra* note 65, at 5. For a discussion of "white flight" in Midwestern and northern industrial areas, see Leah Platt Boustan, *Was Postwar Suburbanization "White Flight"? Evidence from the Black Migration*, 125 Q. J. ECON. 417 (2010). See also OFFICE OF CMTY. PLANNING & DEV., *supra* note 76; *infra* note 101. The emigration of middle-class whites from East St. Louis was rapidly followed by middle-class African Americans. See OFFICE OF CMTY. PLANNING & DEV., U.S. DEP'T OF HOUS. & URBAN DEV., *EAST ST. LOUIS, IL: CONSOLIDATED PLAN FOR 1995: EXECUTIVE SUMMARY* (1995), available at <http://archives.hud.gov/reports/plan/il/eaststil.html> (last visited Apr. 28, 2013).

⁸¹ See EAST ST. LOUIS QUICK FACTS, *supra* note 56; FERGUSON, *supra* note 56, at 5.

years without property reassessments, as the city feared that any reassessments would result in lower revenues for the city due to vastly decreased property values.⁸⁴ As an Illinois appeals court judge noted:

The decade of the sixties brought the beginning of a great sea-change that would eventually alter the East St. Louis landscape. Over the years that ensued, the manufacturing and production plants would disappear, along with the families that once populated the town's crowded neighborhoods. Nicely maintained middle-class homes became slums, which were condemned and torn down. What was once decent housing became weed-ridden vacant lots.⁸⁵

With so much of the budget going to service the city's debt load, municipal services suffered. Services began being severely cut in the 1970s, as the city was unable

⁸² Property taxes reached as high as \$24 per \$100 tax rate, offering yet another reason for citizens to want to leave the city. THESING, *supra* note 12, at 193; ROBERT E. MENDELSON & DAVID C. RANNEY, EAST ST. LOUIS FISCAL CRISIS 23 (1970). The tax rate in 1991 at \$21.16 was four times the surrounding area. HERRIGAN, *supra* note 79, at 130 (1992). According to the Department of Housing and Urban Development, East St. Louis ranked next to last among cities of comparable size in terms of receipt of property tax revenue when compared to property tax value. See OFFICE OF CMTY. PLANNING & DEV., U.S. DEP'T OF HOUS. & URBAN DEV., EAST ST. LOUIS, IL: CONSOLIDATED PLAN FOR 1995: EXECUTIVE SUMMARY (1995), available at <http://archives.hud.gov/reports/plan/il/eaststil.html> (last visited Apr. 28, 2013).

⁸³ See Wendy Shaw, *A Tale of Two Cities: The Best of Times, the Worst of Times: Inequality in St. Louis' Metro-East* 11, available at <http://www.siue.edu/~wshaw/esl.htm>; See JUDD & MENDELSON, *supra* note 68, at 22 (nearly half of tax revenue was used for bond repayment).

⁸⁴ Ben Dobbin, *East St. Louis: Treadmill to Oblivion*, ILLINOIS ISSUES, Nov. 1981, at 8-9. Once reassessments were completed, it was noted that the city had dropped in property value from \$192 million in 1957 to \$32 million in 1980. *Id.* at 9. Deals were still occurring in City Hall, as the railroads paid less than half of their assessed taxes. *Id.*

⁸⁵ *People v. Leron*, 357 Ill. App. 3d 530, 549 (Ill. App. Ct 5th Dist. 2005) (Kuehn, J., dissenting).

to maintain many of its agencies.⁸⁶ Teachers that sent equipment for repairs had items kept indefinitely due to past-due bills.⁸⁷ At one point, in response to the city's unwillingness or inability to pay a \$3.4 million verdict, City Hall itself was briefly awarded to a plaintiff's estate.⁸⁸ The city did not have money to purchase paper in City Hall, including toilet paper, nor could it afford tires and gasoline for emergency vehicles.⁸⁹ Often purchases required bond issues, and by the mid-1990s, the city was \$40 million in debt.⁹⁰ The city's sewers generally did not work and were too expensive to fix, so raw sewage overflowed into the streets and into people's houses. Often, only one police car was available to patrol the entire city.⁹¹ From 1987-1992, trash was not collected,⁹² so residents just stacked garbage in people's yards or on dead end streets where it was occasionally burned by residents.⁹³

⁸⁶ ACTION RESEARCH ILLINOIS, UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN, WHY EAST ST. LOUIS?, <http://www.eslarp.uiuc.edu/view/why-east-st-louis.aspx>, (last updated Aug 25, 2011).

⁸⁷ HERRIGAN, *supra* note 79, at 28.

⁸⁸ *Id.* at 117; *City Hall No Longer City's*, N.Y. TIMES (Sep. 29, 1990), *available at* <http://www.nytimes.com/1990/09/29/us/city-hall-no-longer-city-s.html>. The underlying case involved the beating a citizen had received while incarcerated for a traffic charge. The assault left him severely disabled, and he successfully sued the city. City Hall was later returned to the city. *Estate of DeBow v. City of East St. Louis*, 592 N.E.2d 1137 (1992) (citing the building's criticality to municipal operations). The plaintiff's estate eventually settled with the city, and the deed to City Hall was returned to East St. Louis.

⁸⁹ HERRIGAN, *supra* note 79, at 131; JONATHAN KOZOL, *SAVAGE INEQUALITIES* 8-9 (1991).

⁹⁰ *Id.* at 139.

⁹¹ HERRIGAN, *supra* note 79, at 131. *See also* Peter Hernon, *A Trip Back, A Look Ahead*, ST. LOUIS POST-DISPATCH, Apr. 26, 1989, at 1E.

⁹² THESING, *supra* note 12, at 30. The city was \$250,000 behind in paying the trash collection contractor. *Id.*

⁹³ KOZOL, *supra* note 89, at 8.

Drugs were produced and distributed at epidemic levels in the East St. Louis area during the 1980s and 1990s.⁹⁴ Reverend Joe Davis, who publically spoke out against the dangers of drugs, received a sentence of 30 years after it was revealed that he was using his church to launder drug money.⁹⁵ In another well-publicized case, two brothers were sent to prison for bringing nearly 500 tons of cocaine to East St. Louis over an eight year period.⁹⁶ With increased drug activity came increases in violent crimes and homicides, but as law enforcement began placing increasing attention upon the city to decrease the prevalence of drugs during the mid-90s, homicide rates in East St. Louis dropped as well.⁹⁷ However, even at its low point of 24 homicides in 1996 (down from a record high of 64 in 1989),⁹⁸ the East St. Louis homicide rate on a per capita basis still ranked it among the most violent cities in the country, with a higher per capita rate of murder than Detroit and Miami, and similar to Washington D.C.⁹⁹

In his now famous book, *Savage Inequalities*, Jonathan Kozol wrote of the school systems of East St. Louis, and the town generally.¹⁰⁰ Early in the book, he wrote:

The city, which is 98 percent black, has no obstetric services, no regular trash collection, and few jobs. Nearly a third of its families live on less

⁹⁴ HERRIGAN, *supra* note 79, at 139-40.

⁹⁵ Michael D. Sorkin, *The Rev. Davis Gets 30 Years*, ST. LOUIS POST-DISPATCH, Oct. 14, 1989, at 1A. *See also* United States v. Jackson, 935 F.2d 832 (7th Cir. 1991) (affirming lower court decision).

⁹⁶ Michael D. Sorkin, *After 20 Years, Brother Act as Drug Dealers has Folded*, ST. LOUIS POST-DISPATCH, Dec. 2, 1989, at 16B.

⁹⁷ Illinois Criminal Justice Information Initiative, *Combating the High Murder Rate in East St. Louis: A Look at Two Programs*, ON GOOD AUTHORITY, May 1998, at 1.

⁹⁸ *Id.*

⁹⁹ *Id.* at 1-2. And this was occurring at a time when the city's population was decreasing dramatically. *See infra* note 109.

¹⁰⁰ KOZOL, *supra* note 89.

than \$7,500 a year; 75 percent of its population lives on welfare of some form. The U.S. Department of Housing and Urban Development describes it as “the most distressed small city in America.”¹⁰¹

Mr. Kozol’s description of crime in the city is not any better:

“On top of all else is the very high risk of death by homicide in East St. Louis. In a recent year in which three cities in the state of roughly the same size as East St. Louis had an average of four homicides apiece, there were 54 homicides in East St. Louis.”¹⁰²

While the city never declared bankruptcy, the 80s and 90s were a time when outside agencies began to take over elements of the city, in order to keep it from collapsing. In part due to Mr. Kozol’s graphic description of the East St. Louis school system,¹⁰³ the city’s schools were put under extraordinary supervision by the State Board of Education in 1988.¹⁰⁴ Public housing was taken over by the Department of Housing and Urban Development, after a much publicized case involving the Orr-Weather’s housing complex.¹⁰⁵ Finally, in 1990, the city itself was placed into

¹⁰¹ *Id.* at 7. The population of East St. Louis saw a radical racial shift from the 1950’s (when a majority of residents were Caucasian) to today, where 98 percent of residents are African American. *See Shaw, supra* note 83, at 8; FERGUSON, *supra* note 65, at 30; *See EAST. ST. LOUIS QUICK FACTS, supra* note 56; HAMMER, *supra* note 32 at 46 (noting that the city went from a white majority in 1960 to whites only accounting for 4% of the population by 1980). Note: while the quote from the U.S. HUD is often printed, this Court has not been able to verify it.

¹⁰² KOZOL, *supra* note 89, at 21. Mr. Kozol was referring to 1988. Illinois Criminal Justice Information Initiative, *supra* note 97, at 2.

¹⁰³ *See generally*, KOZOL, *supra* note 89, at 7-39. The book discusses the East St. Louis school district as it existed in the late 1980s, including the lack of resources for teachers, the poor quality of the schools, the high dropout rates, and the fact that the city often missed payroll. *Id.*

¹⁰⁴ John Racine, *East St. Louis: What can, should state do?*, ILLINOIS ISSUES, Mar. 1990, at 15.

¹⁰⁵ *See United States v. Wheadon*, 794 F.2d 1277 (7th Cir. 1986); Racine, *supra* note 104, at 15. This control continued for more than two decades. *See William Lamb, HUD to Move out of East St. Louis, Chicago Tribune*, June 6, 2004,

receivership under the Financially Distressed City Law, to be controlled by the East St. Louis Financial Advisory Authority (FAA).¹⁰⁶ This decision came on the heels of a number of public issues involving the city and its then mayor, Carl Officer, Jr.,¹⁰⁷ including a riverfront developmental project, for which the city issued \$473 million in tax-free bonds; the project never happened and the bond money was returned to investors.¹⁰⁸

III. East St. Louis Today

a. Demographics

The problems in East St. Louis' continue to this day. The town has continued to lose people, with a population roughly half of what it was in the 1980s:

http://articles.chicagotribune.com/2004-06-06/business/0406060455_1_federal-housing-officials-housing-authority-public-housing-units.

¹⁰⁶ 65 ILCS 5/8-12-1 *et seq.* See also HAMMER, *supra* note 32 at 50-51. This created a mechanism by which the city could pay back some of its outstanding loans and restructure its debt in order to restore municipal services. *Id.* This program did ultimately result in the Casino Queen receiving a license in East St. Louis, giving the city a new funding stream. Kenneth Reardon, *State and Local Revitalization Efforts in East St. Louis, Illinois*, 551 ANNALS AM. ACAD. POL. & SOC. SCI. 235, 244-45 (1997) (providing approximately \$12 million in revenue annually to the city, allowing it to reduce residential property tax rates by 50%, though still considerably higher than surrounding communities); *Semi-resuscitated*, THE ECONOMIST, May 29, 1997, <http://www.economist.com/node/150163>. To review the latest report of the FAA, see LEGISLATIVE AUDIT COMMISSION, REVIEW OF EAST ST. LOUIS FINANCIAL ADVISORY AUTHORITY TWO YEARS ENDED JUNE 30, 2010, *available at* <http://www.ilga.gov/commission/lac/audits/ESTLouisAdvisory10.pdf>.

¹⁰⁷ See THEISING, *supra* note 12, at 28-39.

¹⁰⁸ Tim Novak, *Field of Dreams*, ST. LOUIS POST-DISPATCH, Mar. 4, 1990, at 1B; Racine, *supra* note 104, at 14; Harrison, *supra* note 67.

Table 1d: East St. Louis 1980-2010

East St. Louis¹⁰⁹		
Year	Population	Ten-Year Change
1980	55,200	-21.33%
1990	40,944	-25.83%
2000	31,542	-22.96%
2010	27,006	-14.38%

From its decennial high in 1950 until 2010, the population of East St. Louis decreased by 67%.¹¹⁰ Over the same time period, St. Clair County, which includes East St. Louis, showed a population increase of 31%; ignoring East St. Louis, the remainder of St. Clair County's population over the sixty year period increased by 96%.¹¹¹ In 2011, census data for East St. Louis showed that the population had:

- three times the number of residents below the poverty level compared to the national average, with 42% of the population below the federal poverty line during the census period;
- a per capita and household income roughly 40% of the national average; and
- a far lower home ownership rate (with the median value of homes owned being roughly one-third the national median).¹¹²

¹⁰⁹ EAST. ST. LOUIS QUICK FACTS, *supra* note 56; FERGUSON, *supra* note 56, at 5.

¹¹⁰ *Id.*

¹¹¹ U.S. CENSUS BUREAU, U.S. DEPT. OF COMM., STATE AND COUNTY QUICK FACTS: ST. CLAIR COUNTY (2013), *available at* <http://quickfacts.census.gov/qfd/states/17/17163.html> [hereinafter "ST. CLAIR COUNTY QUICK FACTS"]. St. Clair County's population was 205,995 in 1950 and 270,056 in 2010.

¹¹² Compare EAST. ST. LOUIS QUICK FACTS, *supra* note 56, with ST. CLAIR COUNTY QUICK FACTS, *supra* note 111. East St. Louis' census data showed 42% of East St. Louis residents below the poverty line, a per capita income of \$11,907 and an average household income of \$19,934, and a 50% home ownership with a mean value of \$61,700 per home. By comparison, the United States has 14% of citizens below the

Eighty percent of households are headed by a single mother, and a similar number of school children receive government assistance.¹¹³ Twenty percent of residents live in public housing.¹¹⁴ Unemployment rates are roughly double the national average, and even double the rate elsewhere in St. Clair County,¹¹⁵ with some estimates as high as 30%.¹¹⁶

Property taxes remain high. Even with the passage of the Financially Distressed City Law in 1990 and additional revenue streams for the city,¹¹⁷ East St. Louis' rate of 12.5% in 2011 remains the highest in Illinois, which at least partially explains the high percentage of renters.¹¹⁸ Over three-fourths of the businesses which existed in the 1960's have either closed or moved to other towns.¹¹⁹

poverty line, a per capita income of \$27,915 and an average household income \$52,762, and a 66% home ownership rate with a median value of \$186,200.

¹¹³ BARNES, *supra* note 33, at 246 (citing 2000 U.S. Census Bureau data).

¹¹⁴ *Id.*

¹¹⁵ EAST ST LOUIS ACTION RESEARCH PROJECT, UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN SUMMARY DEMOGRAPHICS: EAST ST. LOUIS, ILLINOIS 3 (last visited Apr. 28, 2013), <http://www.eslarp.uiuc.edu/Research/Student/2010SummaryDemographics.pdf>.

¹¹⁶ ACTION RESEARCH ILLINOIS, *supra* note 86.

¹¹⁷ While an improvement over the past, the city's funding options remain narrow. As of 2012, the city relies on revenue from the Casino Queen for 45% of its revenue, and 15% from alcohol based businesses. Tim Jones, *East St. Louis Cops Outgunned as Cuts Let Killers Thrive*, BLOOMBERG, Jan. 3, 2013, <http://www.bloomberg.com/news/2013-01-04/east-st-louis-cops-outgunned-as-cuts-let-killers-thrive.html>.

¹¹⁸ *Id.* East St. Louis' rate was higher than any city studied in a recent study examining the most expensive cities in the nation. See Michael B. Sauter, *American Cities with the Highest (and Lowest) Taxes*, YAHOO! FINANCE (Feb. 25, 2013 5:24 PM). Chicago's effective property tax rate of 9.75% was the highest in the survey; East St. Louis was nearly a third higher than that.

¹¹⁹ ACTION RESEARCH ILLINOIS, *supra* note 86.

b. Education

Local schools have not shown a dramatic improvement. Examining the 2011 Census Bureau data, residents in East St. Louis have a 73% higher dropout rate and a college graduate rate 64% lower than the national average.¹²⁰ The district has failed to meet the No Child Left Behind (NCLB) standards for nine straight years.¹²¹ After being overseen by an oversight panel for a decade, and with the help of federal stimulus dollars, the district had a \$40 million budget surplus.¹²² The panel was dissolved and eight years later, the district has a \$12 million deficit, prompting Illinois to step in again.¹²³ In 2011, only 66% of 6th graders in the school district could meet reading standards; the number drops to 13% by 11th grade.¹²⁴

c. Crime

Crime continues to plague the community, and has made East St. Louis the most dangerous city in the United States, as measured by Neighborhood Scout, which

¹²⁰ Compare EAST. ST. LOUIS QUICK FACTS, *supra* note 56, with ST. CLAIR COUNTY QUICK FACTS, *supra* note 111. East St. Louis a 26% high school drop-out rate, with 10% graduating college, versus a national average of a 15% had a high school drop-out rate, with a 28% college graduate rate.

¹²¹ Elizabeth Holland, *State Tries to Right East St. Louis School District*, ST. LOUIS POST-DISPATCH, May 25, 2012, http://www.stltoday.com/news/local/education/state-tries-to-right-east-st-louis-school-district/article_1d0fcb15-78a6-50e2-8f6f-bb6de23e534c.html.

¹²² *Id.*

¹²³ *Id.* See also UNITED STATES DEP'T OF ED., AWARDS: INNOVATIVE APPROACHES TO LITERACY PROGRAM: EAST SAINT LOUIS SCHOOL DISTRICT 189, at 3-4, *available at* <http://www2.ed.gov/programs/innovapproaches-literacy/apps2012/s215g120112.pdf>.

¹²⁴ *Id.* at 4.

compiles its statistics from federal, state, and local law enforcement.¹²⁵ So prevalent is crime in the city that stop lights were replaced with stop signs to decrease the chances of attacks while waiting at an intersection.¹²⁶

Table 2: Crime in East St. Louis, Compared to Detroit and the Nation

Crime	East St. Louis ¹²⁷		Detroit ¹²⁸	United States ¹²⁹
	Total	per 1,000	per 1,000	per 1,000
Murder	25	0.93	0.49	0.05
Rape	52	1.92	0.61	0.27
Robbery	272	10.06	7.02	1.14
Assault	1,278	47.29	13.48	2.41
Total Violent Crime	1,627	60.20	21.60	3.87
Property	2,176	80.51	62.21	29.09
Total	3,803	140.71	83.81	32.96

The above data compares East St. Louis to Detroit, Michigan, which is currently number one on the Federal Bureau of Investigation list of most dangerous cities (of

¹²⁵ TOP 100 MOST DANGEROUS CITIES IN THE U.S., NEIGHBORHOODSCOUT.COM, <http://www.neighborhoodscout.com/neighborhoods/crime-rates/top100dangerous/> (last visited Apr. 29, 2013) (for cities with greater than 25,000, based upon violent crime per 1,000 residents). East St. Louis was also listed as the most dangerous for the previous year. See TOP 100 MOST DANGEROUS CITIES IN THE U.S., NEIGHBORHOODSCOUT.COM, <http://www.neighborhoodscout.com/neighborhoods/crime-rates/top100dangerous2012/> (last visited Apr. 29, 2013).

¹²⁶ See UNITED STATES DEP'T OF ED., *supra* note 123 at 3.

¹²⁷ CRIME RATES FOR EAST ST. LOUIS, IL, NEIGHBORHOODSCOUT.COM, <http://www.neighborhoodscout.com/il/east-st-louis/crime/> (last visited Apr. 29, 2013).

¹²⁸ CRIME RATES FOR DETROIT, MI, NEIGHBORHOODSCOUT.COM, <http://www.neighborhoodscout.com/mi/detroit/crime/> (last visited Apr. 29, 2013).

¹²⁹ *Id.*

cities with a population greater than 100,000 residents),¹³⁰ to the national average, on a per 1,000 residents basis. A resident of East St. Louis is twice as likely to be murdered than a resident of Detroit, and nearly nineteen times more likely than an average resident of the United States.¹³¹ Looking worldwide, East St. Louis is listed as the seventh most dangerous neighborhood in the world.¹³² East St. Louis' homicide rate would place it sixth in the world, ahead of Cali, Colombia.¹³³

Figure 1 depicts the number of homicides by year in East St. Louis.¹³⁴ With the exception of 2007, East St. Louis' murder rate has stayed at or below the "low point" of 24 homicides in 1996, discussed above.¹³⁵

¹³⁰ See, e.g., THE TEN MOST DANGEROUS U.S. CITIES, FORBES.COM, <http://www.forbes.com/pictures/mlj45jggj/1-detroit/> (last visited Apr. 29, 2013).

¹³¹ East St. Louis residents are also nearly sixteen times more likely to be a victim of a violent crime, and over four times more likely to have a non-violent property crime committed against them.

¹³² Chris Barker, *Top 10 Most Dangerous Neighborhoods in the World*, BestSocialWorkerPrograms.com, (Nov. 12, 2012), <http://www.bestsocialworkprograms.com/10-most-dangerous-neighborhoods-in-the-world/>.

¹³³ *San Pedro Sula Again the World's Most Violent; City of Acapulco Second*, SEGURIDAD JUSTICIA Y PAZ (Feb. 7, 2013), http://translate.google.com/translate?sl=auto&tl=en&js=n&prev=_t&hl=en&ie=UTF-8&eotf=1&u=http%3A%2F%2Fwww.seguridadjusticiaypaz.org.mx%2Fsala-de-prensa%2F759-san-pedro-sula-otra-vez-la-ciudad-mas-violenta-del-mundo-acapulco-la-segunda (translated with Google Translate). East St. Louis' murder rate of 93 homicides per 100,000 residents roughly ties it with Torreon, Mexico (5th, 94.72 per 100,000) and ahead of both Maceio, Brazil (6th, 85.88) and Cali, Colombia (7th, 79.27).

¹³⁴ CRIME IN EAST ST. LOUIS, ILLINOIS (IL), CITY-DATA.COM, <http://www.city-data.com/crime/crime-East-St.-Louis-Illinois.html> (last visited Apr. 29, 2013). Note that there is some variability in violent crime data, depending on the source, as different sources will count crime statistics in different ways. For consistency, City-Data.com statistics will be used.

¹³⁵ See *supra* notes 97-99 and accompanying text.

Figure 1: Homicides in East St. Louis 1999-2011



The population of East St. Louis continues to drop, and per capita murder rates have generally trended upward during the last decade, as is seen in **Figure 2**.¹³⁶

To some extent, the observed high rates of crime can be attributed to the small police force which East St. Louis maintains. According to the Criminal Justice Information Services Division of the Federal Bureau of Investigation (FBI), East St. Louis

¹³⁶ CRIME IN EAST ST. LOUIS, ILLINOIS (IL), CITY-DATA.COM, <http://www.city-data.com/crime/crime-East-St.-Louis-Illinois.html> (last visited Apr. 29, 2013).

had 47 full time police officers in 2011.¹³⁷ This was down from a high of 69 officers in 2008.¹³⁸ On a per 1,000 resident basis, in 2011:

Table 3: Police Presence in East St. Louis versus Illinois and the Nation

	East St. Louis ¹³⁹	Illinois ¹⁴⁰	U.S. Average ¹⁴¹
Officers per 1,000 Residents	1.74	2.78	2.38
Crimes per Officer ¹⁴²	80.91	10.40	14.69
Violent Crimes per Officer	34.62	1.49	1.72

As can be seen in **Table 3**, in addition to being very understaffed on a per capita basis, East St. Louis is horribly understaffed once crime levels are taken into account, with each officer in East St. Louis responsible for 20 times more violent crime than the average across the country (23 times the state average).

¹³⁷ CRIM. JUSTICE INFO. SERVS. DIV., FED. BUREAU OF INVESTIGATION, CRIME IN THE UNITED STATES 2011: POLICE EMPLOYEE DATA, <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/police-employee-data> (last visited Apr. 29, 2013) [hereinafter "POLICE EMPLOYEE DATA"]

¹³⁸ CRIME IN EAST ST. LOUIS, ILLINOIS (IL), CITY-DATA.COM, <http://www.city-data.com/crime/crime-East-St.-Louis-Illinois.html> (last visited Apr. 29, 2013).

¹³⁹ POLICE EMPLOYEE DATA, *supra* note 137, at Table 78 (Illinois). The data shows East St. Louis with a population of 27,078 and 47 full time officers.

¹⁴⁰ POLICE EMPLOYEE DATA, *supra* note 137, at Table 77. The data shows Illinois with a population of 11,898,578 and 33,080 full-time police officers.

¹⁴¹ POLICE EMPLOYEE DATA, *supra* note 137, at Table 74. The United States had an estimated population of 293,058,940 and 698,460 police officers.

¹⁴² Compare CRIME RATES FOR EAST ST. LOUIS, IL, *supra* note 127, with POLICE EMPLOYEE DATA, *supra* note 137, at Table 78 (Illinois) (for East St. Louis) and POLICE EMPLOYEE DATA, *supra* note 137, at Table 74 (for the United States). To examine rates for Illinois, compare CRIM. JUSTICE INFO. SERVS. DIV., FED. BUREAU OF INVESTIGATION, CRIME IN THE UNITED STATES 2011, <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/tables/table-5> (last visited Apr. 29, 2013), with POLICE EMPLOYEE DATA, *supra* note 137, at Table 77.

d. Corruption

The Federal Bureau of Investigation considers public corruption to be its most important criminal priority.¹⁴³ The existence of public corruption increases other forms of crime. East St. Louis has a long history of public corruption, which continues to this day. **Table 4** lists cases involving corruption in and around East St. Louis that have resulted in federal convictions.¹⁴⁴

Table 4: Notable Corruption Cases in the Metro East

Name Docket # Date	Charge Sentence	Case Summary
Kelvin Ellis 3:89-CR-50045 WLB July 5, 1990	Extortion & Conspiracy to Defraud the US (HUD) 21 months	Exec. Asst. to East St. Louis Mayor Carl Officer; managed construction permits. Used his position to obtain city funds for a nursing home he partially owned.
Eugene Douglas 3:93-cr-30103- WDS Aug. 19, 1993	Bribery 5 months, \$1,000 fine	Brooklyn police chief – accepted bribes from strip clubs that were engaging in prostitution.
Arthur May 3:97-CR-30068 PER Mar. 13, 1998	Embezzlement of Public Funds 24 months, \$104,476 restitution	East St. Louis School District Athletic Director that stole school district funds.
Richard Bonner 3:99-CR-30062 PER July 30, 1999	Theft Probation, \$30,000 restitution	Worked for the East St. Louis School District and stole funds related to federally funded programs

¹⁴³ Federal Bureau of Investigation, *Public Corruption: Why It's Our #1 Criminal Priority* (Mar. 26, 2010), http://www.fbi.gov/news/stories/2010/march/corruption_032610.

¹⁴⁴ This list is not intended to be complete, and only contains the most notable cases in and around East St. Louis area involving public corruption. Most cases involving public officials that did not directly involve public corruption (e.g., tax evasion), misdemeanors, or lesser conspirators in large cases have been omitted.

Name Docket # Date	Charge Sentence	Case Summary
Callie Mobley 3:97-CR-30141 GPM June 12, 2000	Fraud and False Statements 30 months, \$140,000 restitution	Former Alorton Mayor convicted of theft of public funds
Frankie Jean Banks 3:00-CR-30103 GPM Nov. 13, 2000	Embezzlement 15 months, \$143,472 restitution	Former Brooklyn treasurer that embezzled funds from the city.
Charles Roy 3:00-CR-30098 DRH Dec. 8, 2000	False Statement Probation, \$2,000 fine + \$33,965 restitution	East St. Louis police commissioner that operated a construction company, falsified pay records related to a federally funded housing project.
Ruby Cook 3:02-CR-30179 DRH Aug. 2, 2001	Theft/Conversion of Property 366 days, \$44,954 restitution	While Mayor of Brooklyn, depleted the city of all general funds, impacting all city services, and causing the city's fire trucks to be repossessed.
Marvis Bownes 3:02-CR-30115 MJR July 14, 2003	Witness Intimidation 30 months, \$50,000 fine	Attempt to prevent testimony of a newspaper reporter in his pending case (see below).
Marvis Bownes 3:03-CR-30097 MJR Oct 27, 2003	Fraud 210 months, \$200,000 fine, \$2,429,671 restitution	East St. Louis Precinct Committeeman convicted of defrauding banks in a property flipping scheme.
Clennard McCorkle 3:03-CR-30058 MJR Aug. 6, 2004	Wire Fraud 366 days, \$3,000 fine	Washington Park police officer who released a motorist from a ticket in exchange for sex.
Leander Brooks 3:03-CR-30201 DRH Sept. 24, 2004	Election Fraud 18 months, \$400 fine	Election judge that forged signatures (including several deceased residents) and allowed unregistered voters to vote.
Janerra Carson-Slaughter 3:05-CR-30009	Witness Intimidation \$150 fine + probation	Participated in the conspiracy to obstruct a federal investigation (see Ronald Matthews).

Name Docket # Date	Charge Sentence	Case Summary
GPM Mar. 14, 2005		
Leroy Scott, Jr. 3:05-CR-30040 DRH Lillie Nichols 3:05-CR-30041 DRH Terrance Stith 3:05-CR-30042 DRH Sandra Stith 3:05-CR-30043 DRH Mar. 22, 2005	Aiding and Abetting Voter Fraud 4-12 months, \$100-\$3,000 fines	East St. Louis committeemen were involved in buying votes related to the St. Clair County Chairman race.
Philip Cohn 3:04-CR-30051 MJR May 27, 2005	Fraud; Money Laundering; Violations of Clean Air Act 60 months, \$347,200	Sold polluted land to the East St. Louis School district with the assistance of city officials.
Michael Reichert 3:05-CR-30129 DGW Aug. 30, 2005	Selling of counterfeit merchandise \$5,000 fine + probation	Collinsville police officer that sold counterfeit Oakley sunglasses.
Freddie Wills 3:04-CR-30096 GPM Sept. 16, 2005	Fraud; False Statements N/A Deferred Prosecution	East St. Louis detective and Internal Affairs officer who accepted cash to order the release of seized funds.
Pierre Cochran 3:05-CR-30019 DRH Oct. 20, 2005	Fraud 14 months, \$200 fine.	East St. Louis police officer that accepted bribes to release suspects arrested for solicitation of prostitution.
Kelvin Ellis 3:05-CR-30044 GPM Feb. 6, 2006	Conspiracy to Commit Election Fraud; Aiding and Abetting Voter Fraud 54 months, \$2,500 fine	As Precinct Committeeman, he paid voters to cast votes and altered voting records.

Name Docket # Date	Charge Sentence	Case Summary
Letita Slack 3:05-CR-30151 WDS Feb. 17, 2006	Fraud 18 months, \$158,279 restitution	As head of the East St. Louis Community Development Block Grant Program, embezzled \$158,279.
Kelvin Ellis 3:05-CR-30011 MJR Feb. 27, 2006	Obstruction of Justice & Tampering with Witnesses 121 months, \$12,500 fine	He sought to have a witness discredited, and is alleged to have threatened to have the witness killed.
Charles Powell 3:05-CR-39944 GPM Feb. 28, 2006	Conspiracy: Election Fraud 21 months, \$2,500 fine (later amended to 27 months)	Chairman of the Democratic Committee – East St. Louis; Former City Councilman. Paid voters to vote in elections.
Ronald Matthews 3:05-CR-30009 GPM Mar. 20, 2006	Conspiracy to Obstruct Justice; Aiding and Abetting Obstruction of Justice 33 months, \$400 fine	During his tenure as the East St. Louis Chief of Police, defendant obstructed a federal investigation and made false statements to a grand jury.
Daryl Moore 3:06-CR-30063 DRH Nov. 19, 2007	Distribution of a Controlled Substance 24 months, \$300 fine	East St. Louis electrical inspector that sold cocaine while on duty.
Mickey Dooley 3:08-CR-30010 GPM Dec. 8, 2008	Witness Tampering; Receiving Stolen Property; Theft; Conversion; False Statements; 120 Months, \$48,739 restitution	Alton police officer that stole evidence from crime scenes and police department and sold or kept for his own benefit.
Dorothy Richardson- Triplett 3:08-CR-30223 WDS Mar. 20, 2009	Theft; Conversion of Property 18 months, \$143,828 restitution	As payroll clerk for Washington Park, defendant stole \$143,828 from the village.
Linda Cannon Connor 3:09-CR-30020 DRH	Bribery; Fraud; False Statements 36 months, \$429,690	As treasurer for Washington Park, defendant stole \$429,690 from public funds.

Name Docket # Date	Charge Sentence	Case Summary
Sept. 11, 2009	restitution	
Korey Rush 3:09-CR-30054 DRH Jan. 22, 2010	Fraud; Misappropriation of Federal Funds; Obstruction of Justice (Witness Tampering) 33 months, \$38,120 restitution	Misappropriated \$38,120 in federal funds to SIUE, and then asked a friend to lie about it.
Walter Hill 3:09-CR-30116 MJR Nov. 18, 2010	Attempted Extortion Under Color of Law; False Statement 60 months, \$5,000 fine, \$1,020 restitution	East St. Louis Deputy Liquor Commissioner. In his position, he extorted sexual favors, money, and/or alcohol in exchange for licenses.
Michael Collins 3:10-CR-30061 Apr. 13, 2011	Tax Evasion; Election Fraud 50 months, \$342,375 restitution	Failed to file or filed false tax returns for 15+ years. Committed extensive voter fraud while acting as Democratic Precinct Chair. Used political influence to obtain city contracts.
Robert Cummings, Sr. 3:11-CR-30020 DRH June 10, 2011	Filing False Tax Returns \$24,295 restitution	Former Alorton Chief of Police who claimed false dependents on his tax returns. Defendant paid women to get personal information of their children.
Albert Thompson 3:10-CR-30194 MJR July 29, 2011	Attempted Extortion Under Color of Law 12 months, \$1,000 fine, \$500 restitution	Assisted Walter Hill (see above) in extorting a victim.
Arthur Johnson 3:11-CR-30017 MJR Nov. 8, 2011	Fraud; Bribery 37 months, \$6,000 fine	Accepted bribes from Harold Rosen (above) while Director of East St. Louis Community Development Block Grant Program.
Robert McKinney John McKinney 3:11-CR-30029 DRH	Conspiracy to Commit Tax Evasion; False Statements 57 months each, \$2,465,090	Recipient of numerous contracts for the city of East St. Louis; evaded taxes for 6+ years.

Name Docket # Date	Charge Sentence	Case Summary
Dec. 2, 2011	restitution	
Kim McAfee 3:11-CR-30141 WDS Dec. 9, 2011	False Statements; Fraud; Falsification of Records During a Federal Investigation 26 months, \$69,274 restitution	False statements regarding the discharge of a weapon while he was a Washington Park police officer; falsified pay records and paid less than prevailing wages as a business owner.
Harold Rosen 3:11-CR-30017 MJR Apr. 20, 2012	Fraud 48 months, \$66,449 restitution	Bribed an East St Louis city official to get preferential treatment for land development programs.
Michael Baxton, Sr. 3:12-CR-30008 DRH Apr. 27, 2012	Theft; Conversion; False Statements 12 months, \$3,000 fine.	Former Alorton Chief of Police. Converted three gaming consoles to his personal benefit and then lied to federal agents.
Ronnie Cummings 3:12-CR-30010 GPM July 19, 2012	Felon in Possession of Ammunition; False Statements 41 months, \$200 fine	Alorton city employee who sold a high capacity magazine to an undercover agent.
Randy McCallum 3:12-CR-30050 GPM Aug. 20, 2012	Possession w/ Intent to Distribute Crack Cocaine; Theft of Government Property; Attempt to Provide Contraband to a Prisoner; False Statements 43 months, \$800 fine; \$1,260 restitution	Former Mayor of Alorton. Stole police evidence, including drugs, and sold them. Convinced an officer to smuggle drugs to his son in jail.
Larry Greenlee 3:12-CR-30057 DRH Sept. 21, 2012	Theft; Conversion of Government Property 60 days + probation	While on-duty as an East St. Louis police officer, took property from an abandoned vehicle for his own use.

Name Docket # Date	Charge Sentence	Case Summary
Eddie Johnson, Jr. 3:12-CR-30087 DRH Nov. 9, 2012	Theft; Conversion of Government Property; False Statements 13 months, \$6,195 restitution	While employed as a tow truck driver for the East St. Louis police department, took property from an abandoned vehicle for personal use.
Ramone Carpenter 3:12-CR-30212 MJR Jan. 31, 2013	False Statements 30 months, \$200 fine	East St. Louis police officer obtained sexual favors from a female motorist in exchange for not arresting her. He later lied about the events to federal agents.

Conclusion

The problems that exist today in East St. Louis are little different from those which have plagued the city for the last 150 years. Poor infrastructure and a general indifference towards residents have resulted in a culture of violent crime and corruption that has come to define the city.

The Court is in no way attributing the evils outlined in this memorandum to Mr. Ward. Instead, the Court uses this information to gain an appropriate perspective on the sentencing task of properly weighing all of the factors set forth in 18 U.S.C. § 3553(a), which specifically includes the Court's obligation to promote deterrence. *See U.S. v. Courtland*, 642 F.3d 545, 552 (7th Cir. 2011) ("On the whole, we believe the district court's recourse to, and handling of a sentencing memorandum was unusually sensitive to the rights of the parties and provided them and the court with an appropriate perspective on the sentencing task."). This Court has been previously on record

discussing the need for general deterrence to inhibit the widespread corruption¹⁴⁵ and violent crime¹⁴⁶ of East St. Louis. As has been shown above, the need for deterrence unfortunately continues to exist today.

DATED: May 9, 2014

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge

¹⁴⁵ See *United States v. Hill*, 645 F.3d 900, 911 (7th Cir. 2011) (reviewing this Court's decision to apply an above-guideline sentence due to widespread corruption).

¹⁴⁶ See *United States v. Ingram* 427 F.App'x 531, 533-34 (7th Cir. 2011) (reviewing this Court's decision to consider the rates of violent crimes in East St. Louis when considering the need for general deterrence).